

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

LIBERTAS CLASSICAL ASSOCIATION,
Plaintiff,

vs.

Case No. 1:20-cv-997
Hon. Paul L. Maloney

GRETCHEN WHITMER, et al.
Defendants.

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EXPEDITED CONSIDERATION REQUESTED /// ORAL ARGUMENT REQUESTED

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Libertas, through counsel and under Rule 65 of the Federal Rules of Civil Procedure, moves this Court for a Preliminary Injunction. Libertas specifically seeks an order enjoining Defendants, individually and in their official capacity, from either directly or indirectly:

1. Enforcing against Libertas that certain Emergency Order Under MCL 333.2253 – Gathering Prohibition and Face Covering Order, issued October 9, 2020 (“October 9 Order”), or any similar subsequent order;
2. Enforcing against Libertas that certain Emergency Order Under MCL 333.2253 – Reporting of Confirmed and Probable Cases of COVID-19 at Schools, issued October 6, 2020 (“October 6 Order”), or any similar subsequent order;

3. Taking any criminal or civil enforcement action against Libertas under that certain cease and desist order dated October 6, 2020 but served on Libertas on October 15, 2020 (“Cease and Desist Order”);
4. Taking any criminal or civil enforcement action against Libertas under that certain Order Finding Imminent Danger to the Public Health and Requiring COVID-19 Case Isolation, Contact Quarantine (sic) and School Closure dated October 19 but issued by OCDPH and served on Libertas on October 20, 2020 (“Contact Tracing Order”);
5. Taking any criminal or civil enforcement action against Libertas under that certain second Order Finding Imminent Danger to the Public Health and Requiring COVID-19 Case Isolation, Contact Quarantine (sic) and School Closure dated October 19 but issued by OCDPH and served on Libertas on October 20, 2020 (“Quarantine Order”);
6. Continuing to require that Libertas remain closed and/or taking any criminal or civil enforcement action against Libertas under that certain building closure order posted October 22, 2020 (“Closure Order”)(“collectively, the Retaliation Orders”); and
7. Any other relief that is just and proper.

Libertas submits the attached memorandum of law in support of its Motion.

Expedited consideration of this Motion is necessary because the relief requested in this Motion will be rendered moot before the Motion is briefed in accordance with this Court’s ordinary briefing schedule. Defendants, through these orders, have ordered Libertas to immediately and fully comply with a repealed order issued on October 5, the October 9 Order, and the October 6 Order, and they have closed Libertas for its failure to come into compliance with such orders. If the Motion is briefed in accordance with this Court’s ordinary briefing schedule, Libertas will

remain closed and its parents and students will lose access to their chosen religious activities and educational associations.

Many may go unschooled or be forced to enroll at inferior institutions. Libertas will therefore suffer irreparable harm that will be unable to remedy through other injunctive relief. Moreover, Libertas's teachers, its students, and their families will continue to suffer irreparable harm—violation of certain of their protected rights under the U.S. Constitution—that cannot be cured through other injunctive relief.

Dated: October 26, 2020

Respectfully Submitted,

/s/ Ian A. Northon

Ian A. Northon